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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,496	01/21/2004	Tomoyuki Ohzeki	FS-F03224-01	1131
37398	7590	03/08/2006	EXAMINER	
TAIYO CORPORATION 401 HOLLAND LANE #407 ALEXANDRIA, VA 22314			CHEA, THORL	
			ART UNIT	PAPER NUMBER
			1752	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,496

Applicant(s)

OHZEKI ET AL.

Examiner

Thorl Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/18/2005 and 08/26/2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 3-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08262005.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. This first office action is responsive to the communication July 18, 2005 and August 26, 2005. Claims 1, 3-25 are pending in this instant application; claim 2 has been canceled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-6, 23-25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Okada et al (US Patent No. 6,210,983).

Okada et al discloses a photothermographic material containing silver halide, a non-photosensitive organic silver salt, a reducing agent and a compounds having an X as an adsorption promoting silver halide and D is an electron donative group of atoms and L₁ is a covalent or a linking group, wherein X can be a mercapto groups and D is hydroxoamic acid;

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the reducing agent including hindered phenol and the toning agent. See the composition of the photothermographic material in the abstract; the definition of D, X column 5, lines 1-30; column 6, lines 51-68; the reducing agent in column 38, lines 43-54, and toning agent in column 39, lines 33-68. See also the exemplified compound in columns 11-20 and the silver halide having iodide content of 0.1 to 40 mole % in column 36, lines 5-15. Okada et al discloses compounds encompass the scope of the compound claimed as formula (I) and the toning agent have known in the art as development accelerator. Okada et al disclose a compound having mercapto group and the hydroxoamic acid in combination with the use of toning agent known as development accelerator. Therefore, the invention as claimed lacks novelty. Alternatively, it would have been obvious to the worker of ordinary skill in the art at the time the invention was made to use the compound within the scope of formula (I) in column 3 taught in Okada et al with an expectation of achieving similar results. The silver halide having iodide content from 5 % by mole to 40 % by mole encompasses the scope of 0.1 to 40 mole % taught in Okada et al.

5. Claims 3-4, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (US Patent No. 6,210,983) in view of Oya et al (US 2002/0048732). Okada et al fail to disclose the development accelerator of formulae in claim 3 and the bisphenols reducing agent in claim 4. However, the development accelerator as claimed is taught in Oya et al in the abstract and page 2, formula (2), (3). It would have been obvious to the worker of ordinary skill in the art at the time the invention was made to use the bisphenols reducing agent and the development accelerator taught in Oya et al to accelerate the speed of development of the material of Okada et al, and thereby provide a material as claimed.

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6. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al (US Patent No. 6,210,983) in combination with Tsuzuki et al (US Patent No. 5,677,121) and EP 1096310A2 (EP'310). Okada et al discloses a photothermographic material containing silver halide, a non-photosensitive organic silver salt, a reducing agent and a compounds having an X as an adsorption promoting silver halide and D is an electron donative group of atoms and L₁ is a covalent or a linking group, wherein X can be a mercapto groups and D is hydroxoamic acid; the reducing agent including hindered phenol and the toning agent. See the composition of the photothermographic material in the abstract; the definition of D, X column 5, lines 1-30; column 6, lines 51-68; the reducing agent in column 38, lines 43-54, and toning agent in column 39, lines 33-68. See also the exemplified compound in columns 11-20; the silver halide having iodide content of 0.1 to 40 mole % in column 36, lines 5-15; silver salt of an aliphatic carboxylic acid including silver behenate in column 37, lines 35-40 and binder including copoly(styrene-butadiene) in column 41, lines 36-50. Tsuzuki discloses the use of silver salt of an organic acid wherein the acid behenic is from 35 to less than 90 mol % to provide a photothermographic material with excellent storability, excellent graininess and high definite image (abstract, and column 1, lines 5-8. EP'310 on pages 38-39 discloses the binder for a photothermographic material including styrene-butadiene having glass transition temperature of less than 40 °C. It would have been obvious to the worker of ordinary skill in the art at the time the invention was made to use a known binder taught in EP'310 and the silver salt of an organic acid taught in Tsuzuki in the material taught in Okada et al with an expectation of achieving a material excellent storability, excellent graininess and high definite image.

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7. Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Okada et al (US Patent No. 6,210,983) and Fukui et al (US 2002/0102502A1). Okada et al discloses a photothermographic material containing silver halide, a non-photosensitive organic silver salt, a reducing agent and a compounds having an X as an adsorption promoting silver halide and D is an electron donative group of atoms and L₁ is a covalent or a linking group, wherein X can be a mercapto groups and D is hydroxoamic acid; the reducing agent including hindered phenol and the toning agent. See the composition of the photothermographic material in the abstract; the definition of D, X column 5, lines 1-30; column 6, lines 51-68; the reducing agent in column 38, lines 43-54, and toning agent in column 39, lines 33-68. See also the exemplified compound in columns 11-20; and the silver halide having iodide content of 0.1 to 40 mole % in column 36, lines 5-15. Okada et al may not disclose the polyhalogenate compound of formula (H) in claim 15, but this compound have been conventionally used as antifoggant for photothermographic material and taught in Fukui et al on page 18, [0188]. It would have been obvious to the worker of ordinary skill in the art at the time the invention was made to use the antifoggant known in Fukui et al in the material of Okada et al to improve the fogging property thereof, and thereby provide a material as claimed.

8. The rejections of claims 1-21 as being anticipated by Watanabe et al (US 2004/0126723); Oka et al (US 2003/0232288A1); and Ohzeki et al (US Patent No. 2004/0033454) set forth in the Office action dated April 19, 2005 are withdrawn in view of the petition decision on February 13, 2006.

Response to Arguments

9. Applicant's arguments filed July 18, 2005 have been fully considered but they are not persuasive of the new ground of rejection set forth above.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thorl Chea whose telephone number is (571) 272-1328. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on (571)272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tch *tin*
02-27-2006

Thorl Chea

Thorl Chea
Primary Examiner
Art Unit 1752